IN THE SUPREME COURT

STATE OF ARIZONA

ANDY BIGGS; ANDY TOBIN; NANCY BARTO; JUDY BURGES; CHESTER CRANDELL; GAIL GRIFFIN; AL MELVIN; KELLI WARD; STEVE YARBROUGH; KIMBERLY YEE; JOHN ALLEN; BRENDA BARTON; SONNY BORRELLI; PAUL BOYER; KAREN FANN; EDDIE FARNSWORTH; THOMAS FORESE; DAVID GOWAN; RICK GRAY; JOHN KAVANAGH; ADAM KWASMAN; DEBBIE LESKO; DAVID LIVINGSTON; PHIL LOVAS; J.D. MESNARD; DARIN MITCHELL; STEVE MONTENEGRO; JUSTIN OLSON; WARREN PETERSEN; JUSTIN PIERCE; CARL SEEL; STEVE SMITH; DAVID STEVENS; BOB THORPE; KELLY TOWNSEND; MICHELLE UGENTI; JEANETTE DUBREIL; KATIE MILLER; TOM JENNEY,

Petitioners,

v.

THE HONORABLE KATHERINE COOPER, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,

Respondent Judge,

JANICE K. BREWER, in her official capacity as Governor of Arizona; THOMAS J. BETLACH, in his official capacity as Director of the Arizona Health Care Cost Containment System,

Real Parties in Interest.

Supreme Court
No.

Court of Appeals
Division One
No. 1 CA-SA 14-0037

Maricopa County
Superior Court
No. CV2013-011699

PETITION FOR REVIEW

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INTRODUCTION

Legislators who were unable to win a legislative vote in their own chambers seek to use the courts to reverse that result. Ignoring well-established law of legislator standing and that only those who actually pay a fee, assessment or tax may question its constitutionality, the Opinion allows individual legislators to move a political and procedural fight into the courts by a drastic and unprecedented expansion of the standing doctrine. The Opinion will allow legislators to rush into court before persons actually affected by the law simply by alleging that their votes did not "count a certain amount." Legislators are asking Arizona courts to function as parliamentarians, potentially issuing advisory opinions for every piece of legislation that involves fees or assessments. The negative statewide impact of permitting this political lawsuit to proceed by discarding well-established principles of standing is unquestionable. Furthermore, keeping this lawsuit alive creates a cloud over healthcare for hundreds of thousands of people. The court of appeals' decision is contrary to Arizona law and ignores the clear prudential and separation of powers limits on standing. This Court should grant review, vacating, in part, the Opinion, and affirm the trial court's dismissal of Count 1 of the Complaint.

ISSUE PRESENTED FOR REVIEW

Do individual legislators have standing to challenge a law simply by alleging that a supermajority was required for its passage?

MATERIAL FACTS AND PROCEDURAL BACKGROUND

I. The Legislature Passes H.B. 2010.

To obtain Medicaid funding for a large uncovered population, including individuals frozen from coverage due to previous budget cuts, and make available to AHCCCS "essential federal financial participation," the legislature passed H.B. 2010 (Ariz. Sess. Laws 2013, 1st S.S., Ch. 10). H.B. 2010 added, among other statutes, A.R.S. § 36-2901.08, which authorizes AHCCCS to establish a limited assessment on hospitals ("Hospital Assessment") to "be used for the benefit of hospitals for the purpose of providing health care for persons eligible for coverage funded by the hospital assessment." H.B. 2010, § 44(3).

H.B. 2010 passed the House (by a vote of 33-27) and Senate (by a vote of 18-11) on June 13, 2013 without Article IX, § 22 of the Arizona Constitution ("Proposition 108") language. During the legislative process, attempts to add Proposition 108 language to the bill were raised, debated and rejected at least three times.

II. Proposition 108.

Proposition 108 was intended to protect taxpayers, not legislators. "Tax increases are such a threat to *taxpayers* that they should be approved only with the

agreement of two-thirds of our elected representatives." *See* Proposition 108 Publicity Pamphlet at 46 (emphasis added).

Proposition 108 requires "the affirmative vote of two-thirds of the members of each house of the legislature[]" for any "act that provides for a net increase in state revenues" and that is in the form listed in subsection (B). Art. IX, § 22(A) and (B)(1-8). Proposition 108, however, expressly does not apply to "[f]ees and assessments that are authorized by statute, but are not prescribed by formula, amount or limit, and are set by a state officer or agency." Art. IX, § 22(C)(2). Accordingly, only if the legislature decides that legislation under debate implicates Art. IX, § 22(A) and (B), but not (C), then: "[e]ach act *to which this section applies* shall include a separate provision describing the requirements for enactment prescribed by this section." Art. IX, § 22(A) and (D) (emphasis added). If the Legislature got it wrong, then just as in any other case a plaintiff with a real and particularized injury can sue to challenge the constitutionality of the legislation. During the legislative process, any dispute as to whether a supermajority is required, and indeed any other question regarding constitutionality, is decided by majority vote. *See* Ariz. Const., Art. IV, pt. 2, § 8 ("Each house, when assembled, shall . . . determine its own rules of procedure."); *see also* The Legislative Bill Drafting Manual, § 4.16 (2013-2014).

III. Procedural History.

Three groups of plaintiffs filed the instant lawsuit: (i) legislators who voted against H.B. 2010 ("Legislators"); (ii) constituents of legislators who voted against H.B. 2010 ("Constituents") (Dubreil and Miller); and (iii) a citizen purporting to file a private attorney general action (Jenney). The Complaint contained two counts: (1) Proposition 108 violation; and (2) violation of the separation of powers due to an alleged improper delegation of legislative authority.

The trial court held that Plaintiffs did not have standing to bring either claim. Plaintiffs filed an appeal followed by a Petition for Special Action in the court of appeals. Plaintiffs argued that Legislators and Constituents only asserted standing for Count 1 (Proposition 108) while Jenney asserted standing for Count 2 (Improper Delegation). *See* Petition at 14 n. 11. The court of appeals accepted special action jurisdiction and affirmed the trial court's dismissal of Jenney and Constituents due to lack of standing, but reversed the trial court's determination that Legislators lacked standing. As a result, Count 2 has been dismissed, leaving only the Legislators' challenge of Count 1.

LEGAL ARGUMENT

I. The Court of Appeals Erred by Basing its Opinion On An Argument That Was Never Raised.

The Opinion began its analysis by knocking down a straw-man argument never actually raised, highlighting its fundamentally flawed reasoning and the need

for review. Concluding that Article 9, Section 22(D) ("Subsection D") "does not grant sole authority to the legislature to decide when a supermajority vote is required to increase existing taxes or impose new taxes[]," the court of appeals held that "the trial court erred in holding that the legislature alone determines whether a bill must be passed by a two-thirds supermajority vote of each chamber in accordance with Article 9, Section 22." Opinion, ¶ 12.

The real issue here is not the straw-man argument that was never asserted and that the Opinion easily knocked down—whether H.B. 2010 may be challenged in the courts; rather, it is whether *these* Legislators have standing to do so. No one contested the courts' authority to review the bill for compliance with Proposition 108, provided a proper plaintiff brings suit. The argument was simply that Legislators themselves cannot seek relief in the courts, because they are not subject to the Hospital Assessment.

II. The Opinion Is An Unprecedented Expansion of The Standing Doctrine.

In holding that Legislators "experienced an unconstitutional overriding that virtually held [their votes] for naught[,]" the court of appeals drastically expanded the law of standing in Arizona to such an extent that there will be few limits. Opinion, ¶ 15. Proposition 108's supermajority requirement does not change this Court's general rule that individual legislators lack standing to challenge actions of the executive branch related to legislation after it leaves the legislature. *See*

Bennett v. Napolitano, 206 Ariz. 520, 525, ¶20, 81 P.3d 311, 316 (2003) (rejecting standing by individual legislators who challenged the governor's veto of items they favored as affecting the weight of their votes). This case is the mirror-image of *Bennett*, with Legislators challenging the executive branch's enforcement of items they unsuccessfully opposed.

The rare circumstances when courts allow standing to individual legislators typically involve one of two situations, neither of which is present here. First, standing may exist when legislators are *challenging a supermajority requirement itself* as causing the "nullification" of their individual votes, which is distinct from a challenge based on whether a supermajority vote should apply to a particular bill. *See Dobson v. State, ex rel., Commission on Appellate Court Appointments*, 233 Ariz. 119, 309 P.3d 1289 (2013). Second, legislators may have standing if the subject of the lawsuit *cannot be challenged by any other party* and will otherwise evade judicial review. *Id*.

A. Standing is not established by the failure of the legislature itself to require a supermajority vote for a particular bill.

In *Bennett*, the Arizona Supreme Court dismissed a challenge by four legislators who sued the governor contending that her line-item vetoes of bills "exceeded her veto authority under the Arizona Constitution." *Bennett*, 206 Ariz. at 522, ¶3, 81 P.3d at 313. If the governor's line-item vetoes were constitutional, then the legislators' votes were nullified or for "naught." The court, however, held

that the alleged injury was not "particularized" to the four legislators but rather an institutional injury that "was not sufficiently 'concrete' to justify judicial intrusion into a dispute between the legislative and executive branches." *Id*. at 526-27, ¶¶24, 28, 81 P.3d at 317-18 (quoting *Raines v. Byrd*, 521 U.S. 811 (1997)).

In *Dobson*, this Court distinguished *Bennett* and held that four members of the Commission on Appellate Court Appointments had standing to challenge a supermajority requirement that the legislature, a different branch of government, imposed upon them. The Court held that where an act imposes a supermajority requirement that has not previously existed, the commissioners had a particularized interest in challenging the statute that changed the efficacy of their individual vote, in effect nullifying those votes. 233 Ariz. at 122, ¶¶11-12, 309 P.3d at 1292. Legislators, however, are not challenging a statute imposing a supermajority requirement, but the implementation of a law that does not apply to them, either as legislators or individuals and which certainly does not affect their voting rights. They ignore the critical difference between a law imposing a supermajority requirement that thereby changes their voting rights (which they would have standing to challenge) and the procedural implementation of a supermajority requirement that may or may not apply to the legislation at issue (that they lack standing to challenge).

The court of appeals also relied on *Coleman v. Miller*, 307 U.S. 433 (1939), but conspicuously failed to even discuss how this Court directly addressed and limited *Coleman* to its unique facts in *Bennett*. In *Coleman*, the lieutenant governor voted in favor of ratifying a Constitutional amendment, breaking the tie in the senate. *Bennett*, 206 Ariz. at 526, ¶25, 81 P.3d at 317 (citing *Coleman*). Twenty-one senators, including the 20 opposing senators, argued that the lieutenant governor's action was unconstitutional because he was not part of the state "legislature," the body entitled under the Constitution to vote on an amendment's ratification. *Id.* *Bennett*, relying primarily on *Raines*,[1] distinguished *Coleman* by explaining that in *Bennett* there was no "interference" in the legislative process, which was present in *Coleman*. *Id.* at 526, ¶26, 81 P.3d at 317.

Here, unlike in *Coleman*, but as in *Bennett*, there was no outside interference in the legislative process. Legislators' votes were counted three separate times but "were simply insufficient to defeat" H.B. 2010. *See id*. at 526, ¶25, 81 P.3d at 317 ("[T]he votes of the six *Raines* plaintiffs were not nullified by improper action in

[1] *Raines v. Byrd*, 521 U.S. 811 (1997), involved a challenge to the Line Item Veto Act, which gave the President the ability to use a line-item veto. *Bennett*, 206 Ariz. at 525, ¶23, 81 P.3d 316 (citing *Raines*). The challengers had voted against the Act and argued it reduced the "effectiveness" of their votes in Congress. This Court in *Bennett*, and the Supreme Court in *Raines*, rejected standing based simply on reduced "effectiveness" of a legislator's vote.

the Congress; rather, they were fully counted as valid but were simply insufficient in number to defeat the Act.") (citing *Raines*).[2]

B. H.B. 2010 can be challenged by anyone required to pay the Hospital Assessment.

The court of appeals failed to address the fact that H.B. 2010 can be challenged by any person required to pay the Hospital Assessment. In exceptional circumstances, courts have allowed legislators who otherwise lack standing to challenge statutes if the subject of the lawsuit *cannot* be challenged by any other party and will evade judicial review. In *Dobson*, for example, this Court noted that if the commissioners did not have standing, they "would have no means of redress." *Dobson*, 233 Ariz. at 122, ¶11, 309 P.3d at 1292. The same was true in *Coleman*. The Court noted the accepted practice that a state could not revoke ratification of a constitutional amendment. *Coleman*, 307 U.S. at 447 ("[R]atification if once given cannot afterwards be rescinded and the amendment rejected . . . ."). In effect, if the senators' standing was not recognized, the issue would evade review. Indisputably, that is not the case here. The entities subject to the Hospital Assessment could bring a Proposition 108 challenge. This is consistent with well-settled principles of standing law that the proper party to

[2] In *Bennett*, this Court noted that the "twenty-one senators in *Coleman* constituted a majority of the Kansas Senate[,]" showing that the action there was authorized by the chamber itself. *Id*. at 527, ¶29, 81 P.3d at 318; *see also Forty-Seventh Legis. v. Napolitano*, 213 Ariz. 482, 143 P.3d 1023 (2006).

challenge a tax, fee or assessment is the party who will be obligated to pay it. *Day v. Bd. of Regents*, 44 Ariz. 277, 281, 36 P.2d 262, 264 (1934); *Karbal v. Arizona Dep't of Revenue*, 215 Ariz. 114, 116, ¶7, 158 P.3d 243, 245 (App. 2007).

Holding that the Legislators lack standing to bring this suit does not mean Legislators are powerless or without a remedy. As the United States Supreme Court recognized in *Raines*, denying standing to individual legislators "neither deprives Members of Congress of an adequate remedy (since they may repeal the Act or exempt appropriations bills from its reach), nor forecloses the Act from constitutional challenge (by someone who suffers judicially cognizable injury as a result of the Act)." 521 U.S. at 829.[3] The same is true here. The entire legislative and political process were and are available; repeal and referendum are the remedies of unhappy Legislators or others who oppose legislation. *Cf. State ex rel Woods v. Arizona Corporation Commission,* 171 Ariz. 286, 297, 830 P.2d 807, 818 n. 9 (1992) **(**the remedy for unwise or excessive regulation lies at the ballot box and not with the courts).[4]

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[3] Although the Supreme Court in *Raines* held that legislators did not have standing to challenge the President's line-item veto, just one year later the Court permitted such a challenge by plaintiffs directly impacted by a line-item veto. *See Clinton v. City of New York*, 524 U.S. 417, 428-36 (1998); *see also Raines*, 521 U.S. at 826-29 (citing several disputes that lingered decades before a plaintiff with proper standing filed suit).

[4] Another means of redress available to the individual Legislators or the public generally was the referendum process. Ariz. Const., art. IV, pt. 1, § 1(3). In fact, a referral on the Hospital Assessment was pursued but failed.

As this Court noted in *Bennett*, a court should not allow itself to be "easily coerced into resolving [a] political dispute" by allowing Legislators to bring their political battles to court. *Bennett*, 206 Ariz. at 525, ¶20, 81 P.3d at 316 (citing *Raines*). Simply stated, legislator standing cannot be invented because a proper challenger has not stepped forward quickly enough to satisfy Plaintiffs' rush to court. Contrary to Legislators' assertion, H.B. 2010 can be challenged; just not by them.

III. The Opinion Will Result in Courts Refereeing The Legislative Process.

The Opinion's expansion of standing for Legislators opens a "Pandora's box" for future challenges brought by a minority of legislators, or even a single legislator, who voted against any bill.[5] Indeed, although H.B. 2010 was passed by the votes of a bipartisan majority over the objections of the top leaders of the majority party, if the Opinion stands, the most likely defendants in any future lawsuits will be the President of the Senate and Speaker of the House in actions brought by the minority party, who will no doubt sue directly in this Court.

Over a recent six-year span (2007 through 2012) *no fewer than 89 fees* or other "net increase[s] in state revenues" were passed by the Legislature without Proposition 108 language requiring passage by a legislative supermajority. *See*

[5] The Opinion recognized the standing of all legislator plaintiffs, including the nine senators. Nine is less than one third of the Senate, yet those senators still claimed "individual" standing.

Exhibit 1, Proposition 108 Designation Status of Prior Fees.[6] Applying the Opinion, a legislator who opposed passage of any of these fees or assessments now could sue to challenge its constitutionality.[7]

Because the Opinion fails to define the limits of legislator standing, the lawsuits in which its holding could provide standing abound.[8] For example, the broad and untethered reasoning of the Opinion is not limited to alleged violations of Proposition 108, but would apply to the three-fourths supermajority requirement of the Voter Protection Act. In both contexts, the legislature determines the procedure by which a bill becomes subject to a supermajority requirement. Significantly, proper plaintiffs (not Legislators) have been able to bring challenges to legislation based on the Voter Protection Act. *See, e.g., Arizona Citizens Clean*

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[6] The information contained in Exhibit 1 is based on a review of bill summaries and text on the legislature's web site, http://www.azleg.gov/Bills.asp. The Court can take judicial notice of the information contained within it. *See* Ariz. R. Evid. 201(b)(1).

[7] This is true whether or not the bills passed with the support of two-thirds of each house—the command of the Opinion is that Proposition 108 requires the constitutional language, in addition to supermajority passage, in every bill that includes a fee or assessment in the form detailed in subsection (B), regardless of whether the subsection (C) exceptions apply. Art. IX, § 22(B), (C), & (D).

[8] In addition, the lack of clarity in the standard applied by the Opinion—that the votes did not "count a certain amount"—may lead legislators to challenge the *inclusion* of Proposition 108 clauses when it makes it more difficult for a bill to pass. Indeed, legislators could try to use the Opinion to bring challenges based on vetoes, germaneness, voting procedures, legislative rules and other grounds that the parties cannot foresee.

Elections Comm'n v. Brain, 233 Ariz. 280, 311 P.3d 1093 (App. 2013), *rev'd in part on other grounds*, 322 P.3d 139 (Ariz. 2014) (Clean Elections Commission Voter Protection Act challenge to a bill that changed campaign contribution limits);[9] *Arizona Early Childhood Dev. & Health Bd. v. Brewer*, 221 Ariz. 467, 212 P.3d 805 (2009) (Early Childhood Development and Health Board brought a Voter Protection Act challenge to a bill that transferred monies from the Early Childhood Development and Health Fund into the state's general fund). Similarly, a Proposition 108 violation of H.B. 2010 can be challenged by an appropriate plaintiff. *See, e.g., Arpaio v. Maricopa Cnty. Bd. of Supervisors*, 225 Ariz. 358, 364, 238 P.3d 626, 632 (App. 2010) (Proposition 108 challenge by sheriff after the county seized monies from a special revenue fund).[10]

Just as the court in *Bennett* declined to "referee" a political dispute, this Court should not referee a political challenge to a piece of bi-partisan legislation

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[9] The individual legislator in that case had standing because she had "an individualized grievance" based on the fact that the bill impacted her decision to run for another term. *Arizona Citizens Clean Elections*, 233 Ariz. at 284, ¶12, 311 P.3d at 1097. Applying the Opinion, she may be able to assert standing on that ground. Moreover, legislators who voted *for* any bill could assert standing to intervene and defend the legislation, arguing that striking down the law affects the weight of their votes.

[10] An unintended consequence of the Opinion is that it could be applied to allow a member of nearly any multi-member public body to challenge an action based on the failure to comply with a supermajority voting requirement contained in statutes or city charters.

that was extensively debated, has overwhelming public support, and has significant humanitarian and economic ramifications for Arizona. Because Legislators are not subject to the Hospital Assessment, any decision addressing Proposition 108's application or validity will not be based on facts presented by a party actually subject to the assessment but only supposition and hypotheticals.

The Legislators seek what is essentially an advisory opinion that H.B. 2010 is unconstitutional. *See Sears v. Hull*, 192 Ariz. 65, 71, ¶24, 961 P.3d 1013, 1019 (1998) ("The [standing] requirement . . . assures that our courts do not issue mere advisory opinions."). Courts have resisted the efforts of the legislature and the executive to submit issues of constitutionality to judicial review outside of the context of a lawsuit between parties actually impacted by the legislation. This Court should do the same here, leaving any challenge to H.B. 2010 to be brought by a plaintiff with proper standing.

CONCLUSION

This matter is of great importance to the State of Arizona's economy, short and long term budgets, and citizens. The Court should grant review, vacating, in part, the opinion of the court of appeals, and affirm the trial court's dismissal of Count 1 of the Complaint.

DATED this 14th day of May, 2014.

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EXHIBIT 1

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2012
(12 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
Agriculture	SB 1532	All fees	No
Water Resources	SB 1532	All fees	No
Charter School Board	SB 1424	Sponsor fees	No
ADOA	HB 2466	Online Portal fee	No
Board of Technical Registration	HB 2748	Alarm Agent Fingerprint fees	No
Executive Clemency	HB 2442	Drug Testing Fee on Parolees	No
Real Estate	SB 1526	Certificate to Operate a Real Estate School	No
Real Estate	SB 1526	Instructor or Other Official Approval or Renewal	No
Real Estate	SB 1526	Live Classroom Continuing Education Course	No
Real Estate	SB 1526	Live Classroom Prelicense Education Course	No
Real Estate	SB 1526	Continuing Education Distance Learning Course	No
Pest Management	SB 1526	All fees	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2011
(27 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
DOC	SB 1621	Visitation Background Check fees	No
DOC	SB 1621	Inmate Trust Account fees	No
Racing	SB 1623	Regulatory Wagering Assessment	No
Racing	SB 1623	Regulatory Purse Assessment	No
Racing	SB 1623	Dark Day Assessment	No
Racing	SB 1623	Racing Licenses	No
Racing	SB 1623	Boxing Licenses	No
Pest Management	SB 1616	All fees	No
DWR	SB 1624	Muni. Fee	No
Agriculture	SB 1624	All fees	No
Liquor	SB 1460	Fingerprint Services	No
Liquor	SB 1460	Site Inspections	No
Liquor	SB 1460	Sampling Privileges	No
Chiropractic	SB 1120	Chiropractic Businesses	No
DEQ	HB 2705	Waste Tire Collection	No
DEQ	HB 2705	Waste Tire Storage	No
DEQ	HB 2705	Solid Waste Transport	No
DEQ	HB 2705	Solid Waste Regulation	No
DEQ	HB 2705	General Permits for Waste	No
DEQ	HB 2705	Landfill Registration	No
DEQ	HB 2705	Biohazardous Medical Waste Transporter	No
DEQ	HB 2705	Solid Waste Facility Plan	No
DEQ	HB 2706	Waste Tire Shredding and Processing Facility fee	No
DEQ	HB 2705	Per Ton Special Waste fee	No
DEQ	HB 2705	Application fee	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

DEQ	HB 2705	Hazardous Waste Generation Fee, per ton fee	No
DEQ	HB 2705	Hazardous Waste Disposal fee	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2010 7th Special Session
(8 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
Agriculture	HB 2007	All fees	No
DEQ	HB 2007	All fees	No
Water Resources	HB 2007	All fees	No
DES	HB 2011	Support Payment Clearinghouse	No
DOR	HB 2012	One-time TPT License Renewal fee	No
DOR	HB 2012	TPT New License	No
ADOT	HB 2012	Abandoned Vehicle fee	No
Pest Management	HB 2012	All fees	No

2010
(9 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
DOC	SB 1123	Community Supervision fees	No
DOC	SB 1123	Electronic Monitoring Costs	No
Board of Appraisal	SB 1351	Appraisal Management Companies	No
Secretary of State	HB 2037	Notary Training Course fee	No
Charter School Board	SB 1039	Online Instruction Processing	No
Board of Physical Therapy	HB 2123	Physical Therapy Business Entity	No
Land Department	SB 1195	Selling and Admin fees	No
DEQ	HB 2767	Aquifer Protection Permit	No
DEQ	HB 2767	AZ Pollution Discharge Elimination	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2009 4th Special Session
(6 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
ADOT	SB 1003	Duplicate Drivers Licenses	No
Agriculture	SB 1003	Fee increase authority for operations	No
DHS	SB 1003	Fee increase authority for operations	No
Radiation	SB 1003	Fee increase authority for operations	No
Land	SB 1003	Fee increase authority for operations	No
Pest Management	SB 1003	Fee increase authority for operations	No

2009
(7 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
DFI	HB 2486	Loan Originator License Transfer Application	No
DFI	HB 2318	Loan Originator License Transfer Application	No
DFI	HB 2318	Conversion from Mortgage Banker to Mortgage Broker License	No
Agriculture	SB 1115	Equine Rescue Facilities	No
Mine Inspector	SB 1256	Education and Training of Miners	No
ADOT	HB 2396	Unsolicited Project Proposal fee	No
Nursing Care Administrators Board	SB 1104	lifts statutory caps on all fees	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2008

(18 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
DFI	SB 1028	Loan Originator License Application	No
DFI	SB 1028	Loan Originator Renewal	No
DFI	SB 1028	Inactive Status Loan Originator Renewal	No
DFI	SB 1028	Loan Originator License Transfer Renewal	No
Boxing Commission	HB 2834	Unarmed Combat Events	No
Cosmetology	SB 1419	Aesthetician Registration as Laser	No
Game and Fish	SB 1167	Educational fees	No
Game and Fish	SB 1167	Off-highway User Indicia	No
Water Resources	HB 2771	Application fees for Water	No
Supreme Court	HB 2210	subsequent filing fees	No
Superior Court	HB 2210	superior court fees	No
Supreme Court	HB 2210	probationer fees	No
Justice Courts	HB 2210	Justice Court Fees	No
Psychology	HB 2275	Application fees	No
Psychology	HB 2275	Renewal fees	No
Psychology	HB 2275	Licensure fees	No
ADOT	HB 2156	Railroad Project Review	No
Agriculture	HB 2462	Fee increase authority for operations	No

Proposition 108 Designation Status of Prior Fees
Exhibit 1

2007

(2 fees not designated Prop 108)

Agency	Bill #	Fee	Prop 108-designated?
Water Resources	HB 2300	users fees	No
Water Resources	HB 2300	revenue bonds	No